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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/147,696	05/03/99	GOURIO	N 1247-0791-0V

PM82/0818
OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON VA 22202

EXAMINER	
JOHNSON, S	
ART UNIT	PAPER NUMBER

3641

DATE MAILED: 08/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/147,696

Applicant(s)
Noel Gourio

Examiner
Stephen M. Johnson

Group Art Unit
3641



☒ Responsive to communication(s) filed on May 3, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 11-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 11-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 11-21 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3641

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A is illustrated in fig. 1. Species B is illustrated in fig. 2. Species C is illustrated in fig. 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. .

Applicant is advised that a reply to this requirement **must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.** An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fillister and opening (see claim 11); the extension (see claims 13 and 14); the cockpit and the vehicle (see claim 18); the conventional glass partition (see claim 19); and the body (see claim 20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.
4. Claims 11-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout the claims, applicant refers to a "glass partition". This is an inaccurate description in that much of the elemental structure is of vitrocaramics, PVB, PU, and/or stainless steel rather than glass. In claim 11, line 5, what elemental structure is intended to be associated with the term "it"? In claim 11, line 5, applicant claims "the fillister of the opening". A fillister is defined as 'a groove'. It is not understood as to how one can have a groove in an opening. In claim 11, line 5, the phrases "the fillister" and "the opening" lack antecedents. Throughout the claims, applicant claims "rigid protuberances". It is not understood as to how this is possible when in each embodiment only a single protuberance 3 or (2 in combination with 9) is present. In claim 13, line 2, it is not understood as to how the terminology "positioned each time" can be used

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when only a single protuberance is present for each embodiment. In claim 13, line 2, the phrase “the laminated structure” lacks an antecedent. In claim 13, line 3, the phrase “the extension” lacks an antecedent. In claim 13, line 3, the phrase “the latter” lacks an antecedent. In claim 13, what structural item is intended to correspond to the phrase “the latter” is not understood. In claimed 13, line 3, what is structural arrangement is intended to correspond to the claimed “the extension of one or several adjacent sheets forming the latter” is not understood. In claim 14, line 1, the phrase “the extension” lacks an antecedent. In claims 13 and 14, how is the claimed “the extension” intended to relate to the previously claimed “protuberances”? In claim 14, line 2, use of terminology in parenthesis makes the claim language indefinite as to whether or not the included terminology is or is not intended to further limit the claim limitations (e.g. “(PVB)”). Claim 18 is indefinite for like reasons.

In claim 15, line 3, use of the phrase “optionally covered” makes the claim indefinite as to whether or not a covering must be present to infringe the claims. In claim 17, the phrase “said outer surface” lacks an antecedent. In claim 18, line 2, the phrases “the cockpit” and “the vehicle” lack antecedents. In claim 18, line 4, it is not understood as to how the “outer sheets of glass” can be considered to be located toward the interior of the protected structure as claimed. In claim 19, line 2, what structure is intended to correspond to the term “it”? In claim 19, line 2, use of the term “conventional glass partition” makes the claim indefinite because what is or is not conventional is subjective and dependent upon the interpretation of the reader. In claim 20, the phrases “the outer surface” and “the body” lack antecedents.

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Claim 18 is indefinite because the preamble of the claim is inconsistent with the claim language of the claim body. The preamble is directed to a glass partition (a subcombination) whereas the body of the claim language is directed to a glass partition in combination with a vehicle with associated cockpit. Applicant is required to clarify whether his invention is intended to be directed to the subcombination or combination and to amend his claims consistent with the intent.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Littell Jr..

Littell Jr. discloses a glass partition comprising:

- | | |
|-------------------------------------|--------------------------------------|
| a) a fillister, | 15, 17 |
| b) rigid protuberances, | 38, 30, 31, 32, or portions of
12 |
| c) glass partitions, | 21 |
| d) adhesive layers of PVB, | 22 |
| e) chemically reinforced glass, and | see col. 4, lines 19-67 |
| f) automobile glass partition. | cols. 1 and 2 |

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7. Claims 11-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mucaria.

Mucaria discloses a glass partition comprising:

- | | |
|-------------------------------------|--------------------|
| a) a fillister, | 17 |
| b) rigid protuberances, | 18 |
| c) glass partitions, | 3, 4, 6, 7 |
| d) adhesive layers of PVB, | 5, 8 |
| e) chemically reinforced glass, and | col. 3, lines 8-11 |
| f) automobile glass partition. | col. 1, lines 5-9 |

8. Claim 18 (if drawn to the combination (see paragraph 4 above)) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes, Sauret et al., Worrall, Kenzie, Greathead, Gondela et al., Stephinsson, and Cheron et al. disclose state of the art transparent armors.

10. Any inquiry concerning this communication should be directed to Stephen M. Johnson at telephone number (703)-306-4158.



STEPHEN M. JOHNSON
PRIMARY EXAMINER